

PATENT
Serial No. 09/920,041
Amendment in Reply to Office Action of August 22, 2005

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

In the Office Action, the Examiner reminded the Applicants of the format of the Abstract. In response, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 2-5, 7, 9-11, 14 and 17 have been amended for better conformance to U.S. practice, such as changing "characterized in that" to --wherein--.

In the Office Action, the Examiner objected to claims 13-14, since claim 13, line 5 included 'the the'. Further, claim 5 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite since there is no antecedent basis for "the present channel" on line 5. In response, claim 13 has been canceled without prejudice, and claim 5 has been amended to change "the present channel" to --a present channel--. Accordingly, withdrawal of the objection to claims 13-14 and the rejection to claim 5 are respectfully requested.

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Claims 2-5, 7, 9-11, 14 and 17 were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, the Examiner indicated that claims 8-11, 13-14 and 16 would be allowable if rewritten in independent form. Applicants gratefully acknowledge the indication that claims 8-11, 13-14 and 16 contain allowable subject matter. By means of the present amendment, independent claims 1, 6, 12 and 15 have been amended to include the features of allowable claims 8, 13 and 16 which have been canceled without prejudice. Further, claims 9-11 and 14 have been amended to change dependence thereof from canceled claims 8 and 13 to independent claim 6 and 12, respectively.

Accordingly, it is respectfully requested that independent claims 1, 6, 12 and 15 be allowed. In addition, as claims 2-7, 9-11, 14 and 17 depend from independent claims 1, 6, 12 and 15, Applicants respectfully request that claims 2-7, 9-11, 14 and 17 also be allowed.

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In the Office Action, claims 1-4, 6-7, 12, 15 and 17 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,791,952 (Lin). Further, claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lin. In response, new claims 18-23 have been added. It is respectfully submitted that claims 18-23 are patentable over Lin for at least the following reasons.

Lin discloses asymmetric data access scheme where data is on a conventional access uplink channel, but on the downlink, data is transmitted on an unpaired downlink frequency over a broad sectorized beam.

It is respectfully submitted that Lin does not teach or suggest the present invention as recited in independent claim 18, which amongst other patentable elements, requires:

wherein when at least one of said first communication link and said second communication link is not available, then at least one of said first information and said second information is communicated to said communication station via said third communication link in said second mode. (Emphasis added)

This feature is nowhere taught or suggest in Lin. Such a

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feature provides substantial benefits, such as providing for continued communication when a channel is not available, as well as allowing to eliminate a channel altogether. Thus, communication in one mode is provided using one communication link, e.g., uplink, associated with the first mode, and another communication link, e.g., downlink, associated with the second mode, which may be configured for a higher communication rate than the first mode for example.

Accordingly, it is respectfully submitted that independent claim 18 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 19-23 should also be allowed at least based on their dependence from independent claim 18.

Further, it is respectfully submitted that claims 22-23 should also be allowable since it includes features substantially similar to allowable claims 8, 13 and 16.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

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presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due beyond the fee for one additional independent claim to be charged to the credit card as noted by the enclosed authorization, where the total number of claims are 18 (not 22) since claims 8, 13 and 16 have been canceled without prejudice. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

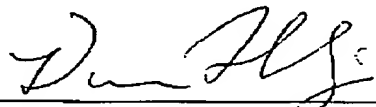
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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Please direct all future correspondence related to this application to:

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Respectfully submitted,

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November 21, 2005

Enclosure: New Abstract
Authorization to charge credit card \$200 for one
independent claims in excess of four already paid
(i.e., five total independent claims)

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NEW ABSTRACT

A radio communication system a primary station and a secondary station operating according to two (or more) two-way communication modes. An uplink and/or a downlink communication channel is present for the first mode, but only one of an uplink and a downlink channel is present for the second mode. Modifications to the protocols of the first and second modes enable the traffic for an absent communication channel of one mode to be carried by the corresponding channel of the other mode.